

Eugene P. Ramirez (State Bar No. 134865)
eugene.ramirez@manningkass.com
Anthony J. Ellrod (State Bar No. 136574)
anthony.ellrod@manningkass.com
Yury A. Kolesnikov (State Bar No. 271173)
yury.kolesnikov@manningkass.com
Kayleigh Andersen (State Bar No. 306442)
kayleigh.andersen@manningkass.com
Natalya D. Vasyuk (State Bar No. 307419)
natalya.vasyuk@manningkass.com

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
801 S. Figueroa St, 15th Floor
Los Angeles, California 90017-3012
Telephone: (213) 624-6900
Facsimile: (213) 624-6999

*Attorneys for Defendants Chad Bianco and
County of Riverside*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

VEM MILLER,

Plaintiff,

v.

CHAD BIANCO, in his individual and
official capacities; COUNTY OF
RIVERSIDE, a municipal entity; and
DOES 1 through 100,

Defendants.

Case No.: 5:25-cv-00629 KK (DTB)

**First Stipulation re: Modification of
Deadline to File Second Amended
Complaint and Briefing Schedule on
Defendants' Responsive Pleading;
Declaration in Support Thereof**

Judge: Hon. Kenly Kiya Kato
Courtroom: 3

Complaint Filed: 3/10/25
Current SAC Deadline: 8/28/25
Current Response Date: 9/11/25

Proposed SAC Deadline: 9/15/25
Proposed Response Date: 10/15/25

First Stipulation re: Modification of Deadline to File Second Amended Complaint and
Briefing Schedule on Defendants' Responsive Pleading; Declaration in Support Thereof

Pursuant to Civil Local Rule 7-1 and the Court’s Civil Standing Order, Plaintiff Vem Miller and Defendants Chad Bianco and County of Riverside hereby agree and stipulate as follows, subject to the Court’s approval:

WHEREAS, Plaintiff commenced this action on March 10, 2025;

WHEREAS, Plaintiff filed first amended complaint (“FAC”) on May 7, 2025;

WHEREAS, Defendants filed their motion to dismiss and an anti-SLAPP special motion to strike the FAC on June 11, 2025;

WHEREAS, by order dated August 14, 2025, the Court granted in part Defendants’ motion to dismiss and dismissed with leave to amend Plaintiff’s federal causes of action (claims 1, 2, and 3) and declined to address Defendants’ anti-SLAPP motion to Plaintiff’s state-law causes of action (claims 4, 5, and 6) (Dkt. No. 38);

WHEREAS, Plaintiff’s current deadline to file the second amended complaint (“SAC”) is August 28, 2025 (*see* Dkt. No. 38) and Defendants’ current deadline to respond to the SAC is September 11, 2025 (*see* FED. R. CIV. P. 15(a)(3));

WHEREAS, following the issuance of the Court’s August 14, 2025 order, the parties have met and conferred and have agreed that, in light of the complexity and the number of causes of actions to be addressed in the SAC and the complexity and the number of arguments to be briefed with regard to any further anticipated motions, as well as counsel’s prior professional obligations, the parties require additional time to file the SAC and for any further motion practice; and

WHEREAS, this stipulation is not made for purposes of delay;

NOW, THEREFORE, the parties agree and stipulate as follows, subject to the Court’s approval:

1. Plaintiff shall have until September 15, 2025, to file the SAC;
2. Defendants shall have until October 15, 2025, to respond to the SAC;
3. If Defendants’ response to the SAC is a further motion to dismiss and anti-SLAPP motion, Plaintiff shall have until November 7, 2025, to file an opposition;
4. Defendants shall have until November 21, 2025, to file any reply brief;

1 and

2 5. The hearing on Defendants' motions shall be set for December 11, 2025,
3 at 9:30 a.m., or at such later date and time as is convenient for the Court.

4 **IT IS SO STIPULATED.**

5 DATED: August 19, 2025

Respectfully submitted,

6 **MANNING & KASS**
7 **ELLROD, RAMIREZ, TRESTER LLP**

8 By: /s/ Yury A. Kolesnikov

9 Eugene P. Ramirez

10 Anthony J. Ellrod

11 Yury A. Kolesnikov

12 Kayleigh Andersen

13 Natalya D. Vasyuk

14 *Attorneys for Defendants Chad Bianco and*
15 *County of Riverside*

16 DATED: August 19, 2025

Respectfully submitted,

17 **THE BEARMAN FIRM, INC.**

18 By: /s/ Ethan Bearman

19 Ethan Bearman (SBN 327490)

20 *Attorney for Plaintiff Vem Miller*

DECLARATION OF YURY A. KOLESNIKOV

I, Yury A. Kolesnikov, declare as follows:

1. I am an attorney with Manning & Kass, Ellrod, Ramirez, Trester LLP, counsel for Defendants Chad Bianco and County of Riverside in this action. I submit this declaration in support of the parties' stipulation regarding modification of the deadline to file the second amended complaint ("SAC") and setting the briefing schedule on Defendants' responsive pleading.

2. I have personal knowledge of the facts set forth in this declaration. I could and would competently testify to these facts if called upon to do so.

3. This is the parties' first stipulation to continue the deadline to file the SAC and to modify the briefing schedule on Defendants' response to the SAC.

4. The parties have previously filed three stipulations regarding the extension of time to file Defendants' initial response and with regard to the briefing of Defendants' responsive pleading to Plaintiff's first amended complaint (Dkt. Nos. 20, 26, 29), which the Court granted at Dkt. Nos. 27 and 30.

5. I am the attorney at my firm primarily responsible for the drafting of Defendants' anticipated motions in this case. The requested modification to the briefing schedule is necessary because I have the following professional commitments, among others, that would prevent the timely filing of Defendants' responsive pleading on September 11, 2025 under the current schedule:

a. Motion for summary judgment due on September 5, 2025, in *Estate of Aaron Smith v. Hemet Police Department*, No. 23-cv-1767 (C.D. Cal.);

b. Motion for summary judgment due on September 16, 2025, in *Mazhar v. Vanderhall Motor Works, Inc.*, No. 24PSCV00567 (Cal. Super. Ct., Cnty. of Los Angeles);

c. Appellant's reply brief due on September 17, 2025, in *Estate of Brandon Tranberg Hoadley v. City of Gardena*, No. 24-6832 (9th Cir.);

1 d. Appellants' reply brief due on September 26, 2025, in *Rios v. City*
2 *of Azusa*, No. 24-5734 (9th Cir.);

3 e. Respondents' brief due on September 29, 2025, in *Rubin v.*
4 *Douglas Elliman of California*, No. B341122 (Cal. Ct. of App.);

5 f. Respondents' brief due on October 8, 2025, in *Sun v. Bernal*, No.
6 B346683 (Cal. Ct. of App.); and

7 g. Appellees' answering brief due on October 24, 2025, in *Hereford*
8 *v. City of Hemet*, No. 25-5165 (9th Cir.).

9 6. In light of the foregoing, Defendants respectfully submit that good cause
10 exists to modify the deadline for the filing of the SAC and the briefing schedule on
11 Defendants' responsive pleading, such that (1) Plaintiff's SAC is due on September
12 15, 2025; (2) Defendants' response to the SAC is due on October 15, 2025; (3) if
13 Defendants' response to the SAC is in the form of a motion, Plaintiff's opposition due
14 on November 7, 2025; and (4) Defendants' reply brief due on November 21, 2025.

15 7. I have met and conferred with Plaintiff's counsel, who has agreed to the
16 requested modifications as set forth in the accompanying stipulation.

17 I declare under penalty of perjury under the laws of the United States that the
18 foregoing is true and correct.

19 Executed on August 19, 2025, at San Diego, California.

20
21 /s/ Yury A. Kolesnikov
22 Yury A. Kolesnikov
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E-SIGNATURE AFFIRMATION

Pursuant to Civil Local Rule 5-4.3.4, I attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

DATED: August 19, 2025

Respectfully submitted,

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

By: /s/ Yury A. Kolesnikov

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